ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ ೧೪೯ Volume 149	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಮಾರ್ಚ್ ೧೩, ೨೦೧೪ (ಫಾಲ್ಗುಣ ೨೨, ಶಕ ವರ್ಷ ೧೯೩೫) Bangalore, Thursday, March 13, 2014 (Phalguna 22, Shaka Varsha 1935)	ಸಂಚಿಕೆ ೧೧ Issue 11

ಭಾಗ ೪

ಕೇಂದ್ರದ ವಿಧೇಯಕಗಳು ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ಕೇಂದ್ರದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ಶಾಸನಬದ್ಧ ಆದೇಶಗಳು ಮತ್ತು ರಾಷ್ಟ್ರಪತಿಯವರಿಂದ ರಚಿತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದವರಿಂದ ಪುನಃ ಪ್ರಕಟವಾದ ಆದೇಶಗಳು

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 39 ಕೇಶಾಪ್ರ 2013, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 6ನೇ ನವೆಂಬರ್, 2013.

2013ನೇ ಸಾಲಿನ 19–09–2013ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ (1) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (No. 25 of 2013) ದಿನಾಂಕ: 18–09–2013 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 19th September, 2013

The following Act of Parliament received the assent of the President on the 18th September, 2013, and is hereby published for general information:-

THE PROHIBITION OF EMPLOYMENT AS MANUAL SCAVENGERS AND THEIR REHABILITATION ACT, 2013

No. 25 OF 2013

***[18th September,* 2013.]**

An Act to provide for the prohibition of employment as manual scavengers, rehabilitation of manual scavengers and their families, and for matters connected therewith or incidental thereto.

WHEREAS promoting among the citizens fraternity assuring the dignity of the individual is enshrined as one of the goals in the Preamble to the Constitution;

AND WHEREAS the right to live with dignity is also implicit in the Fundamental Rights guaranteed in Part III of the Constitution;

AND WHEREAS article 46 of the Constitution, *inter alia,* provides that the State shall protect the weaker sections, and, particularly, the Scheduled Castes and the Scheduled Tribes from social injustice and all forms of exploitation;

AND WHEREAS the dehumanising practice of manual scavenging, arising from the continuing existence of insanitary latrines and a highly iniquitous caste system, still persists in various parts of the country, and the existing laws have not proved adequate in eliminating the twin evils of insanitary latrines and manual scavenging;

AND WHEREAS it is necessary to correct the historical injustice and indignity suffered by the manual scavengers, and to rehabilitate them to a life of dignity.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.- (1) This Act may be called the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that the date so notified shall not be earlier than sixty days after the date of publication of the notification in the Official Gazette.

2. Definitions.-(1) In this Act, unless the context otherwise requires,-

(a) "agency" means any agency, other than a local authority, which may undertake sanitation facilities in an area and includes a contractor or a firm or a company which engages in development and maintenance of real estate;

(b) "appropriate government", in relation to Cantonment Boards, railway lands, and lands and buildings owned by the Central Government, a Central Public Sector Undertaking or an autonomous body wholly or substantially funded by the Central Government, means the Central Government and in all other cases, the State Government;

(c) "Chief Executive Officer", in relation to a Municipality or Panchayat, means, its senior-most executive officer, by whatever name called;

(d) "hazardous cleaning" by an employee, in relation to a sewer or septic tank, means its manual cleaning by such employee without the employer fulfilling his obligations to provide protective gear and other cleaning devices and ensuring observance of safety precautions, as may be prescribed or provided in any other law, for the time being in force or rules made thereunder;

(e) "insanitary latrine" means a latrine which requires human excreta to be cleaned or otherwise handled manually, either *in situ,* or in an open drain or pit into which the excreta is discharged or flushed out, before the excreta fully decomposes in such manner as may be prescribed:

Provided that a water flush latrine in a railway passenger coach, when cleaned by an employee with the help of such devices and using such protective gear, as the Central Government may notify in this behalf, shall not be deemed to be an insanitary latrine.

(f) "local authority" means,-

(i) a Municipality or a Panchayat, as defined in clause *(e)* and clause(f*)* of article 243P of the Constitution, which is responsible for sanitation in its area of jurisdiction;

(ii) a Cantonment Board constituted under section 10 of the Cantonments Act, 2006; (41 of 2006) and

(iii) a railway authority;

(g) "manual scavenger" means a *person* engaged or employed, at the commencement of this Act or at any time thereafter, by an individual or a local authority or an agency or a contractor, for manually cleaning, carrying, disposing of, or otherwise handling in any manner, human excreta in an insanitary latrine or in an open drain or pit into which the human excreta from the insanitary latrines is disposed of, or on a railway track or in such other spaces or premises, as the Central Government or a State Government may notify, before the excreta fully decomposes in such manner as may be prescribed, and the expression "manual scavenging" shall be construed accordingly.

Explanation.-For the purpose of this clause,-

(a) "engaged or *employed*" *means* being engaged or employed on a regular or contract basis;

(b) a person engaged or employed to clean excreta with the help of such devices and using such protective gear, as the Central Government may notify in this behalf, shall not be deemed to be a 'manual scavenger';

(h) "*National* Commission for Safai Karmacharis" means the National Commission for Safai Karamcharis constituted under section 3 of the National Commission for Safai Karmacharis Act, 1993 (64 of 1993) and continued by Resolution of the Government of India in the Ministry of Social Justice and Empowerment *vide* No. 17015/18/2003-SCD-VI, dated 24th February, 2004 and as amended from time to time;

(i) "*notification*" means a notification published in the Official Gazette and the expression "notify" shall be construed accordingly;

(j) "*occupier*", in relation to the premises where an insanitary latrine exists, or someone is employed as a manual scavenger, means the person who, for the time being, is in occupation of such premises;

(k) "owner", in relation to the premises where an insanitary latrine exists or someone is employed as a manual scavenger, means, the person who, for the time being has legal title to such premises;

(l) "*prescribed*" means prescribed by the rules made under this Act;

(m) "railway authority" means an authority administering railway land, as may be notified by the Central Government in this behalf;

(n) "railway *land*" shall have the meaning assigned to it in clause *(32A)* of section 2 of the Railways Act, 1989 (24 of 1989);

(0) "sanitary latrine" means a latrine which is not an 'insanitary latrine';

(P) "septic *tank*" means a water-tight settling tank or chamber, normally located underground, which is used to receive and hold human excreta, allowing it to decompose through bacterial activity;

(q) "sewer" means an underground conduit or pipe for carrying off human excreta, besides other waste matter and drainage wastes;

(r) "State *Government*", in relation to a Union territory, means the Administrator thereof appointed under article 239 of the Constitution;

(s) "survey" means a survey of manual scavengers undertaken in pursuance of section **11** or section 14.

(2) Words and expressions used and not defined in this Act, but defined in the Cantonments Act, 2006, (41 of 2006) shall have the same meanings respectively assigned to them in that Act.

(3) The reference to a Municipality under Chapters IV to VIII of this Act shall include a reference to, as the case may be, the Cantonment Board or the railway authority, in respect of areas included within the jurisdiction of the Cantonment Board and the railway land, respectively.

3. Act to have overriding effect.-The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 (46 of 1993) or in any other law, or in any instrument having effect by virtue of any other law.

CHAPTER II

IDENTIFICATION OF INSANITARY LATRINES

4. Local authorities to survey insanitary latrines and provide sanitary community latrines.-

(1) Every local authority shall,-

(a) carry out a survey of insanitary latrines existing within its jurisdiction, and publish a list of such insanitary latrines, in such manner as may be prescribed, within a period of two months from the date of commencement of this Act;

(b) give a notice to the occupier, within fifteen days from the date of publication of the list under clause (a), to either demolish the insanitary latrine or convert it into a sanitary latrine, within a period of six months from the date of commencement of this Act:

Provided that the local authority may for sufficient reasons to be recorded in writing extend the said period not exceeding three months;

(c) construct, within a period not exceeding nine months from the date of commencement of this Act, such number of sanitary *community* latrines as it considers necessary, in the areas where insanitary latrines have been found.

(2) Without prejudice to the provisions contained in sub-section (1), Municipalities, Cantonment Boards and railway authorities shall also construct adequate number of sanitary community latrines, within such period not exceeding three

years from the date of commencement of this Act, as the appropriate Government may, by notification, specify, so as to eliminate the practice of open defecation in their jurisdiction.

(3) It shall be the responsibility of local authorities to construct community sanitary latrines as specified in sub-sections (1) and (2), and also to make arrangements for their hygienic upkeep at all times.

Explanation.-For the purposes of this section, "community" in relation to railway authorities means passengers, staff and other authorised users of railways.

CHAPTER III

PROHIBITION OF INSANITARY LATRINES AND EMPLOYMENT AND ENGAGEMENT AS MANUAL SCAVENGER

5. Prohibition of insanitary latrines and employment and engagement of manual scavenger.- (1) Notwithstanding anything inconsistent therewith contained in the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 (46 of 1993) no person, local authority or any agency shall, after the date of commencement of this Act,-

(a) construct an insanitary latrine; or

(b) engage or employ, either directly or indirectly, a manual scavenger, and every person so engaged or employed shall stand discharged immediately from any obligation, express or implied, to do manual scavenging.

(2) Every insanitary latrine existing on the date of commencement of this Act, shall either be demolished or be converted into a sanitary latrine, by the occupier at his own cost, before the expiry of the period so specified in clause *(b)* of sub-section (1) of section 4:

Provided that where there are several occupiers in relation to an insanitary latrine, the liability to demolish or convert it shall lie with,-

(a) the owner of the premises, in case one of the occupiers happens to be the owner; and

(b) all *the* occupiers, jointly and severally, in all other cases:

Provided that the State Government may give assistance for conversion of insanitary latrines into sanitary latrines to occupiers from such categories of persons and on such scale, as it may, by notification, specify:

Provided further that non-receipt of State assistance shall not be a valid ground to maintain or use an insanitary latrine, beyond the said period of nine months.

(3) If any occupier fails to demolish an insanitary latrine or convert it into a sanitary latrine within the period specified in sub-section (2), the local authority having jurisdiction over the area in which such insanitary latrine is situated, shall, after giving notice of not less than twenty one days to the occupier, either convert such latrine into a sanitary latrine, or demolish such insanitary latrine, and shall be entitled to recover the cost of such conversion or, as the case may be, of demolition, from such occupier in such manner as may be prescribed.

6. Contract, agreement, etc., to be void.- (1) Any contract, agreement or other instrument entered into or executed before the date of commencement of this Act, engaging or employing a person for the purpose of manual scavenging shall, on the date of commencement of this Act, be terminated and such contract, agreement or other instrument shall be void and inoperative and no compensation shall be payable therefor.

(2) Notwithstanding anything contained in sub-section (1), no person employed or engaged as a manual scavenger on a full-time basis shall be retrenched by his employer, but shall be retained, subject to his willingness, in employment on at least the same emoluments, and shall be assigned work other than manual scavenging.

7. Prohibition of persons from engagement or employment for hazardous cleaning of sewers and septic tanks.-No person, local authority or any agency shall, from such date as the State Government may notify, which shall not be later than one year from the date of commencement of this Act, engage or employ, either directly or indirectly, any person for hazardous cleaning of a sewer or a septic tank.

8. Penalty for contravention of section 5 or section 6.- Whoever contravenes the provisions of section 5 or section 6 shall for the first contravention be punishable with imprisonment for a term which may extend to one year or with fine which may extend to fifty thousand rupees or with both, and for any subsequent contravention with imprisonment which may extend to two years or with fine which may extend to one lakh rupees, or with both.

9. Penalty for contravention of section 7.-Whoever contravenes the provisions of section 7 shall for the first contravention be punishable with imprisonment for a term which may extend to two years or with fine which may extend to two lakh rupees or with both, and for any subsequent contravention with imprisonment which may extend to five years or with fine which may extend to five lakh rupees, or with both.

10. Limitation of prosecution. -No court shall take cognizance of any offence punishable under this Act except upon a complaint thereof is made by a person in this behalf within three months from the date of the occurrence of the alleged commission of the offence.

CHAPTER IV

IDENTIFICATION OF MANUAL SCAVENGERS IN URBAN AND RURAL AREAS AND THEIR REHABILITATION

11. Survey of manual scavengers in urban areas by Municipalities.- (1) If any Municipality has reason to believe that some persons are engaged or employed in manual scavenging within its jurisdiction, the Chief Executive Officer of such Municipality shall cause a survey to be undertaken to identify such persons.

(2) The content and methodology of the survey referred to in sub-section (1) shall be such as may be prescribed, and it shall be completed within a period of two months from its commencement in the case of Municipal Corporations, and within a period of one month in the case of other Municipalities.

(3) The Chief Executive Officer of the Municipality, in whose jurisdiction the survey is undertaken, shall be responsible for accurate and timely completion of the survey.

(4) After completion of the survey, the Chief Executive Officer shall cause to be drawn up a provisional list of persons found to be working as manual scavengers within the jurisdiction of his Municipality and fulfilling the eligibility conditions as may be prescribed, shall cause such provisional list to be published for general information in such manner, as may be prescribed, and shall invite objections to the list from the general public.

(5) Any person having any objection, either to the inclusion or exclusion of any name in the provisional list published in pursuance of sub-section (4), shall, within a period of fifteen days from such publication, file an objection, in such form as the Municipality may notify, to the Chief Executive Officer.

(6) All objections received in pursuance of sub-section (5), shall be enquired into, and thereafter a final list of persons found to be working as manual scavengers within the local limits of the municipality, shall be published by it in such manner, as may be prescribed.

(7) As soon as the final list of manual scavengers, referred to in sub-section (6) is published, the persons included in the said list shall, subject to the provisions of sub-section (2) of section 6, stand discharged from any obligation to work as manual scavengers.

12. Application by an urban manual scavenger for identification.-(1) Any person working as a manual scavenger in an urban area, may, either during the survey undertaken by the Municipality in pursuance of section 11, within whose jurisdiction he works, or at any time thereafter, apply, in such manner, as may be prescribed, to the Chief Executive Officer of the Municipality, or to any other officer authorised by him in this behalf, for being identified as a manual scavenger.

(2) On receipt of an application under sub-section (1), the Chief Executive Officer shall cause it to be enquired into, either as part of the survey undertaken under section **11,** or, when no such survey is in progress, within fifteen days of receipt of such application, to ascertain whether the applicant is a manual scavenger.

(3) If an application is received under sub-section (1) when a survey under section 11 is not in progress, and is found to be true after enquiry in accordance with sub-section (2), action shall be taken to add the name of such a person to the final list published under sub-section (6) of section **11,** and the consequences mentioned in sub-section (7) thereof shall follow.

13. Rehabilitation of persons identified as manual scavengers by a Municipality.- (1) Any person included in the final list of manual scavengers published in pursuance of sub-section (6) of section 11 or added thereto in pursuance of sub-section (3) of section 12, shall be rehabilitated in the following manner, namely:-

(a) he *shall* be given, within one month,-

(i) a photo identity card, containing, *inter alia,* details of all members of his family dependent on him, and

(ii) such initial, one time, cash assistance, as may be prescribed;

(b) his *children* shall be entitled to scholarship as per the relevant scheme of the Central Government or the State Government or the local authorities, as the case may be;

(c) he *shall* be allotted a residential plot and financial assistance for house construction, or a ready-built house, with financial assistance, subject to eligibility and willingness of the manual scavenger, and the provisions of the relevant scheme of the Central Government or the State Government or the concerned local authority;

(d) *he, or at least one adult member of his family, shall be given, subject to eligibility and willingness, training in a livelihood skill, and shall be paid a monthly stipend of not less than three thousand rupees, during the period of such training;*

(e) he, or at least one adult member of his family, shall be given, subject to eligibility and willingness, subsidy and concessional loan for taking up an alternative occupation on a sustainable basis, in such manner as may be stipulated in the relevant scheme of the Central Government or the State Government or the concerned local authority;

(f) he shall be provided such other legal and programmatic assistance, as the Central Government or State Government may notify in this behalf.

(2) The District Magistrate of the district concerned shall be responsible for rehabilitation of each manual scavenger in accordance with the provisions of sub-section (1) and the State Government or the District Magistrate concerned may, in addition, assign responsibilities in his behalf to officers subordinate to the District Magistrate and to officers of the concerned Municipality.

14. Survey of manual scavengers in rural areas by Panchayats.-If any Panchayat has reason to believe that some persons are engaged in manual scavenging within its jurisdiction, the Chief Executive Officer of such Panchayat shall cause a survey of such manual scavengers to be undertaken, *mutatis mutandis,* in accordance with the provisions of section **11** and section 12, to identify such person.

15. Application by a rural manual scavenger for identification. - (1) Any person working as a manual scavenger, in a rural area, may, either during the survey undertaken by the Panchayat within whose jurisdiction he works, in pursuance of section 14 or at any time thereafter, apply, in such manner, as may be prescribed, to the Chief Executive Officer of the concerned Panchayat, or to any other officer authorised by him in this behalf, for being identified as a manual scavenger.

(2) On receipt of an application under sub-section (1), the Chief Executive Officer shall cause it to be enquired into, either as part of the survey undertaken under section 14 or when no such survey is in progress, within fifteen days of receipt of such application, so as to ascertain whether the applicant is a manual scavenger.

16. Rehabilitation of persons identified as manual scavengers by a Panchayat.-Any person included in the final list of manual scavengers, published in pursuance of section 14 or added thereto in pursuance of sub-section (2) of section 15 shall be rehabilitated, *mutatis mutandis,* in the manner laid down for urban manual scavengers in section 13.

CHAPTER V

IMPLEMENTING AUTHORITIES

17. Responsibility of local authorities to ensure elimination of insanitary latrines. -Notwithstanding anything contained in any other law for the time being in force, it shall be the responsibility of every local authority to ensure, through awareness campaign or in such other manner that after the expiry of a period of nine months, from the date of commencement of this Act,-

(i) no insanitary latrine is constructed, maintained or used within its jurisdiction; and

(ii) in case of *contravention* of clause *(i),* action is taken against the occupier under sub-section (3) of section 5.

18. Authorities who may be specified for implementing provisions of this Act.-The appropriate Government may confer such powers and impose such duties on local authority and District Magistrate as may be necessary to ensure that the provisions of this Act are properly carried out, and a local authority and the District Magistrate may, specify the subordinate officers, who shall exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed, and the local limits within which such powers or duties shall be carried out by the officer or officers so specified.

19. Duty of District Magistrate and authorised officers.-The District Magistrate and the authority authorised under section 18 or any other subordinate officers specified by them under that section shall ensure that, after the expiry of such period as specified for the purpose of this Act,-

(a) no person is engaged or employed as manual scavenger within their jurisdiction;

(b) no one *constructs*, maintains, uses or makes available for use, an insanitary latrine;

(c) manual *scavengers* identified under this Act are rehabilitated in accordance with section 13, or as the case may be, section 16;

(d) persons *contravening* the provisions of section 5 or section 6 or section 7 are investigated and prosecuted under the provisions of this Act; and

(e) all provisions *of* this Act applicable within his jurisdiction are duly complied with.

20. Appointment of inspectors and their powers.- (1) The appropriate Government may, by notification, appoint such persons as it thinks fit to be inspectors for the purposes of this Act, and define the local limits within which they shall exercise their powers under this Act.

(2) Subject to any rules made in this behalf, an inspector may, within the local limits of his jurisdiction, enter, at all reasonable times, with such assistance as he considers necessary, any premises or place for the purpose of,-

(a) examining and testing any latrine, open drain or pit or for conducting an inspection of any premises or place, where he has reason to believe that an offence under this Act has been or is being or is about to be committed, and to prevent employment of any person as manual scavenger;

(b) examine any person whom he finds in such premises or place and who, he has reasonable cause to believe, is employed as a manual scavenger therein, or is otherwise in a position to furnish information about compliance or non-compliance with the provisions of this Act and the rules made thereunder;

(c) require any person whom he finds on such premises, to give information which is in his power to give, with respect to the names and addresses of persons employed on such premises as manual scavenger and of the persons or agency or contractor employing or engaging them;

(d) seize or take copies of such registers, record of wages or notices or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed by the principal employer or agency; and

(e) exercise such other powers as may be prescribed.

(3) Any person required to produce any document or thing or to give any information required by an inspector under sub-section (2) shall be deemed to be legally bound to do so within the meaning of section 175 and section 176 of the Indian Penal Code. (45 of 1860).

(4) The provisions of the Code of Criminal Procedure, 1973, (2 of 1974) shall, so far as may be, apply to any such search or seizure under sub-section (2) as they apply to such search or seizure made under the authority of a warrant issued under section 94 of the said Code.

CHAPTER VI

PROCEDURE FOR TRIAL

21. Offences to be trail by Executive Magistrate.-(1) The State Government may confer, on an Executive Magistrate, the powers of a Judicial Magistrate of the first class for the trial of offences under this Act; and, on such conferment of powers, the Executive Magistrate, on whom the powers are so conferred, shall be deemed, for the purposes of the Code of Criminal Procedure, 1973, (2 of 1974) to be a Judicial Magistrate of the first class.

(2) An offence under this Act may be tried summarily.

22. Offence to be cognizable and non-bailable.-Notwithstanding anything contained in the Code of Criminal Procedure, 1973, (2 of 1974) every offence under this Act shall be cognizable and non-bailable.

23. Offences by companies.-(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was incharge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.-For the purposes of this section,-

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm, means a partner in the firm.

CHAPTER VII

VIGILANCE COMMITTEES

24. Vigilance Committees.- (1) Every State Government shall, by notification, constitute a Vigilance Committee for each district and each Sub-Division.

(2) Each Vigilance Committee constituted for a district shall consist of the following members, namely:-

(a) the District Magistrate-Chairperson, *ex-officio;*

(b) all members of the State Legislature belonging to the Scheduled Castes elected from the district-members:

Provided that if a district has no member of the State Legislature belonging to the Scheduled Castes, the State Government may nominate such number of other members of the State Legislature from the district, not exceeding two, as it may deem appropriate.

(c) the district Superintendent of Police- member, *ex officio;*

(d) the Chief Executive Officer of,-

(i) the Panchayat at the district level-member, *ex officio;*

(ii) the Municipality of the district headquarters-member, *ex officio;*

(iii) any other Municipal Corporation constituted in the district-member, *ex officio;*

(iv) Cantonment Board, if any, situated in the district-member, *ex officio;*

(e) one representative be nominated by the railway authority located in the district;

(f) not more than four social workers belonging to organisation working for the prohibition of manual scavenging and rehabilitation of manual scavengers, or, representing the scavenger community, resident in the district, to be nominated by the District Magistrate, two of whom shall be women;

(g) one person to represent the financial and credit institutions in the district, to be nominated by the District Magistrate;

(h) the district-level officer in-charge of the Scheduled Castes Welfare Member-Secretary, *ex officio;*

(i) district-level officers of Departments and agencies who, in the opinion of the District Magistrate, subject to general orders, if any, of the State Government, have a significant role to play in the implementation of this Act.

(3) Each Vigilance Committee, constituted for a Sub-Division, shall consist of the following members, namely:-

(a) the Sub-Divisional Magistrate-Chairperson, *ex officio;*

(b) the Chairpersons and the Chief Executive Officers of Panchayats at intermediate level of the Sub-Division, and where Panchayats at intermediate level, do not exist, Chairpersons from two Panchayats at Village level to be nominated by the Sub-Divisional Magistrate-member, *ex officio;*

(c) the Sub- Divisional Officer of Police-member, *ex officio;*

(d) Chief Executive Officer of-

(i) the Municipality of the Sub-Divisional headquarters-member, *ex officio;* and

(ii) Cantonment Board, if any, situated in the Sub-Division-member, *ex officio;*

(e) one representative to be nominated by the railway authority located in the Sub-Division-member, *ex officio;*

(f) two social workers belonging to the organisation working for the prohibition of manual scavenging and rehabilitation of the manual scavengers, or representing the scavenger community resident in the Sub-Division, to be nominated by the District Magistrate, one of whom shall be a woman;

(g) one person to represent the financial and credit institutions in the Sub-Division, to be nominated by the Sub-Divisional Magistrate;

(h) the Sub-Divisional level officer in-charge of Scheduled Castes welfare Member-Secretary, *ex officio;*

(i) Sub-Divisional level officers of Department and agencies who in the opinion of the Sub-Divisional Magistrate, subject to any general orders of the State Government or the District Magistrate, have a significant role to play in the implementation of this Act -member, *ex officio.*

(4) Each Vigilance Committee constituted at district and Sub-Divisional level shall meet at least once in every three months.

(5) No proceeding of a Vigilance Committees shall be invalid merely by reason of any defect in its constitution.

25. Functions of Vigilance Committee.-The functions of Vigilance Committee shall be-

(a) to advise the District Magistrate or, as the case may be, the Sub-Divisional Magistrate, on the action which needs to be taken, to ensure that the provisions of this Act or of any rule made thereunder are properly implemented;

(b) to oversee the economic and social rehabilitation of manual scavengers;

(*c*) to co-ordinate the functions of all concerned agencies with a view to channelise adequate credit for the rehabilitation of manual scavengers;

(*d*) to monitor the registration of offences under this Act and their investigation and prosecution.

26. State Monitoring Committee.-(1) Every State Government shall, by notification, constitute a State Monitoring Committee, consisting of the following members, namely:-

(*a*) the Chief Minister of State or a Minister nominated by him-Chairperson, *ex officio;*

(*b*) the Minister-in-charge of the Scheduled Castes Welfare, and such other Department, as the State Government may notify;

(*c*) Chairperson of the State Commissions for Safai Karamcharis, and Scheduled Castes, if any- member, *ex officio;*

(*d*) representatives of the National Commission for Scheduled Castes, and Safai Karamcharis-member, *ex officio;*

(*e*) not less than two members of the State Legislature belonging to the Scheduled Castes, nominated by the State Government:

Provided that if any State Legislature has no member belonging to the Scheduled Castes, the State Government may nominate the members belonging to the Scheduled Tribes;

(*f*) the Director-General of Police- member, *ex officio;*

(*g*) Secretaries to the State Government in the Departments of Home, Panchayati Raj, Urban Local Bodies, and such other Departments, as the State Government may notify;

(*h*) Chief Executive Officer of at least one Municipal Corporation, Panchayat at the district-level, Cantonment Board and railway authority as the State Government may notify;

(*i*) not more than four social workers belonging to organisation working for the prohibition of manual scavenging and rehabilitation of manual scavengers, or, representing the scavenger community, resident in the State, to be nominated by the State Government, two of whom shall be women;

(*j*) State-level head of the convener Bank of the State Level Bankers' Committee -member, *ex officio;*

(*k*) Secretary of the Department of the State Government dealing with development of the Scheduled Castes-Member-Secretary, *ex officio;*

(*l*) such other representative of Departments of the State Government and such other agencies which, in the opinion of the State Government, are concerned with the implementation of this Act.

(2) The State Monitoring Committee shall meet at least once in every six months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

27. Functions of the State Monitoring Committee.-The functions of the State Monitoring Committee shall be-

(*a*) to monitor and advise the State Government and local authorities for effective implementation of this Act;

(*b*) to co-ordinate the functions of all concerned agencies;

(*c*) to look into any other matter incidental thereto or connected therewith for implementation of this Act.

28. Duty of States or Union territories to send periodic reports to the Central Government.- -Every State or Union territory Government and Union territory administration shall send such periodic reports to the Central Government about progress of implementation of this Act, as the Central Government may require.

29. Central Monitoring Committee.-(1) The Central Government shall, by notification, constitute a Central Monitoring Committee in accordance with the provisions of this section.

(2) The Central Monitoring Committee shall consist of the following members, namely:-

(a) The Union Minister for Social Justice and Empowerment---Chairperson, ex officio;

(*b*) Chairperson of the National Commission for Scheduled Castes-member, *ex officio;*

(*c*) Minister of State in the Ministry of Social Justice and Empowerment-member, *ex officio;*

(*d*) Chairperson, National Commission for Safai Karamcharis- member, *ex officio;*

(*e*) the Member of the Planning Commission dealing with development of the Scheduled Castes-member, *ex officio;*

(*f*) three elected members of Parliament belonging to Scheduled Castes, two from the Lok Sabha and one from the Rajya Sabha;

(*g*) Secretaries of the Ministries of,-

(i) Social Justice and Empowerment, Department of Social Justice and Empowerment;

(ii) Urban Development;

(iii) Housing and Urban Poverty Alleviation;

(iv) Drinking Water and Sanitation;

(v) Panchayati Raj;

(vi) Finance, Department of Financial Services; and

(vii) Defence,

members, *ex officio;*

(h) Chairman, Railway Board-member, *ex officio;*

(i) Director-General, Defence Estates- member, *ex officio;*

(j) representatives of not less than six State Governments and one Union territory, as the Central Government may, notify;

*(*k*)* not more than six social workers belonging to organisation working for the prohibition of manual scavenging and rehabilitation of manual scavengers, or, representing the scavenger community, resident in the country, to be nominated by the Chairperson, two of whom shall be women;

(l) Joint Secretary, Department of Social Justice and Empowerment in the Ministry of Social Justice and Empowerment, looking after development of Scheduled Castes-Member-Secretary, *ex officio;*

(m) such other representatives of Central Ministries or Departments and agencies which, in the opinion of the Chairperson, are concerned with the implementation of this Act.

(3) The Central Monitoring Committee shall meet at least once in every six months.

30. The Functions of the Central Monitoring Committee.-The functions of the Central Monitoring Committee shall be,-

(a) to monitor and advise the Central Government and State Government for effective implementation of this Act and related laws and programmes;

(b) to co-ordinate the functions of all concerned agencies;

(c) to look into any other matter incidental to or connected with implementation of this Act.

31. Functions of National Commission for Safai Karamcharis.- 1) The National Commission for Safai Karamcharis shall perform the following functions, namely:-

(a) to monitor the implementation of this Act;

(b) to enquire into complaints regarding contravention of the provisions of this Act, and to convey its findings to the concerned authorities with recommendations requiring further action; and

(c) to advise the Central and the State Governments for effective implementation of the provisions of this Act.

(d) to take *suo* motu notice of matter relating to non-implementation of this Act.

(2) In the discharge of its functions under sub-section (1), the National Commission shall have the power to call for information with respect to any matter specified in that subsection from any Government or local or other authority.

32. Power of State Government to designate an appropriate authority to monitor the implementation of this Act.- (1) The State Government may, by notification, designate a State Commission for Safai Karamcharis or a State Commission for the Scheduled Castes or such other statutory or other authority, as it deems fit, to perform, within the State, *mutatis mutandis,* the functions specified in sub-section (1) of section 31.

(2) An authority designated under sub-section (1) shall, within the State, have, *mutatis mutandis,* the powers of the National Commission for Safai Karamcharis as specified in sub-section (2) of section 31.

CHAPTER VIII

MISCELLANEOUS

33. Duty of local authorities and other agencies to use modern technology for cleaning of sewers, etc.-(1) It shall be the duty of every local authority and other agency to use appropriate technological appliances for cleaning of sewers, septic tanks and other spaces within their control with a view to eliminating the need for the manual handling of excreta in the process of their cleaning.

(2) It shall be the duty of the appropriate Government to promote, through financial assistance, incentives and otherwise, the use of modern technology, as mentioned in sub-section (1).

34. Protection of action taken in good faith.-No suit, prosecution or other legal proceeding shall lie against an appropriate Government or any officer of the appropriate Government or any member of the Committee for anything which is in good faith done or intended to be done under this Act.

35. Jurisdiction of civil courts barred.-No civil court shall have jurisdiction in respect of any matter to which any provision of this Act applies and no injunction shall be granted by any civil court in respect of anything, which is done or intended to be done, by or under this Act.

36. Power of appropriate Government to make rules.- (1) The appropriate Government shall, by notification, make rules for carrying out the provisions of this Act, within a period not exceeding three months from the date of commencement of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the obligation of an employer, under clause *(d)* of sub-section (1) of section 2;

(b) the manner in which the excreta fully decomposes under clauses *(e)* and *(g)* of sub-section (1) of section 2;

(c) the manner of carrying out survey of insanitary latrine and publishing list thereof under clause *(a)* of sub-section (1) of section 4;

(d) procedure of giving notice and recovering cost of demolition of an insanitary latrine under sub-section (3) of section 5;

(e) content and methodology of the survey under sub-section (2) of section 11;

(f) the eligibility conditions for identification of manual scavengers and publication of provisional list of persons found to be working as manual scavengers under sub-section (4) of section 11;

(g) publication of final list of persons found to be working as manual scavengers under sub-section (6) of section **11;**

(h) manner of application to be made to the Chief Executive Officer of the municipality, or to an officer authorised by him in this behalf under sub-section (1) of section 12 or, as the case may be, sub-section (1) of section 15;

(i) provision of initial, one time, cash assistance under sub-clause *(ii)* of clause *(a)* of sub-section (1) of section 13;

(j) such other powers of Inspectors under clause *(e)* of sub-section (2) of section 20; and

(k) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(4) Every rule made under this Act by the State Government shall, as soon as may be after it is made, be laid before each House of State Legislature, where there are two Houses and where there is one House of State Legislature, before that House.

37. Power of Central Government to make model rules.- (1) Notwithstanding anything contained in section 36 of this Act:-

(a) the Central Government shall, by notification, publish model rules for the guidance and use of State Governments; and

(b) in case the State Government fails to notify the rules under section 36 of this Act within the period of three months specified therein, then the model rules as notified by the Central Government shall be deemed to have come into effect, *mutatis mutandis,* in such State, till such time as the State Government notifies its rules.

(2) The model rules made by the Central Government under this Act shall be laid, as soon as may be after they are made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses make any modification in the rule, the rule shall thereafter have effect only in such modified form; so, however, that any such modification shall be without prejudice to the validity of anything previously done under that rule.

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38. Power to remove difficulties.-(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made in relation to a State after the expiration of three years from the commencement of this Act in that State.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

39. Power to exempt.-(1) The appropriate Government may, by a general or special order published in the Official Gazette, for reasons to be recorded, and subject to such conditions as it may impose, exempt any area, category of buildings or class of persons from any provisions of this Act or from any specified requirement contained in this Act or any rule, order, notification, bye-laws or scherne made thereunder or dispense with the observance of any such requirement in a class or classes of cases, for a period not exceeding six months at a time.

(2) Every general or special order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament or each House of State Legislature, where there are two Houses and where there is one House of State Legislature, before that House.

P.K. MALHOTRA,

Secy. to the Govt. of India

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್.ಆಂಜಿನಿ,
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

P.R. 112
SC - 20

ಮುದ್ರಕರು ಹಾಗೂ ಪ್ರಕಾಶಕರು:– ಸಂಕಲನಾಧಿಕಾರಿಗಳು, ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ, ಸರ್ಕಾರಿ ಕೇಂದ್ರ ಮುದ್ರಣಾಲಯ, ಬೆಂಗಳೂರು–59